

REMARKS

Claims 1-12, 15-26 and 30 are all the claims pending in the application. None of the claims are being amended.

REJECTIONS BASED ON 35 U.S.C. § 101

Applicants thank the Examiner for withdrawing the rejections of the claims under 35 U.S.C. 101.

REJECTIONS BASED ON 35 U.S.C. § 103

Claims 1-12, 15-26 and 30 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over “Can Prosody Aid the Automatic Classification of Dialog Acts in Conversational Speech?” (hereinafter Shriberg) in view of Marcu et al. (US 20020046018 A1, hereinafter Marcu) and further in view of Lee et al. (6,088,673 hereinafter Lee). Applicants respectfully traverse this rejection in view of the following arguments.

Specifically, claim 1 recites the limitation of “determining a theory of discourse analysis from a plurality of theories of discourse analysis ... based on either a desired type of speech to be synthesized, or by user selection.” Claims 15 and 30 incorporate similar limitations. Applicants respectfully submit that neither Shriberg, nor Marcu, nor Lee, taken alone or in combination, teach or suggest the limitation of “determining a theory of discourse analysis from a plurality of theories of discourse analysis ... based on either a desired type of speech to be synthesized, or by user selection” as recited by independent claims 1 and similarly recited in independent claims 15 and 30.

In the Response to Arguments section of the Office Action, the Examiner generally alleges that “Marcu in view of Lee appears to teach the limitation of claims 1, 15 and 30 as amended.” However, the Examiner never indicates where the teaching of the “determining a

theory of discourse analysis from a plurality of theories of discourse analysis ... based on either a desired type of speech to be synthesized, or by user selection" appears in the cited references. In this regard, Applicants are at a loss where the teaching alleged by the Examiner appears in the cited prior art. Except for the Examiner's statement, there is not indication that the cited prior art teaches the identified claim limitations. In this regard, Applicants respectfully submit that the cited references are the applied prior art, and not the Examiner's analysis. When the PTO asserts that there is an explicit or implicit teaching or suggestion in the prior art, it must indicate where such teaching or suggestion appears in the reference. See *In re Rijckaert*, 28 U.S.P.Q.2d 1955, 7 (Fed. Cir. 1993). In the Office Action, the Examiner has clearly failed to do so. Therefore, the examiner's rejection of claims 1, 15 and 30 is improper.

Turning to the above rejection of the claims, the Examiner conceded in the Office Action that Shriberg failed to teach the limitation of determining a theory of discourse analysis from a plurality of theories of discourse analysis (see page 4, last paragraph), and cited Marcu in an attempt to rectify that deficiency. However, the Examiner again fails to particularly point out where Marcu teaches that the determining a theory of discourse analysis is based on either a desired type of speech to be synthesized, or by user selection.

Applicants respectfully submit that Marcu discloses a system for summarizing the input text, which has nothing to do with speech synthesis. Therefore, because there is no synthesized speech disclosed in Marcu, Marcu also does not and cannot teach determining a theory of discourse analysis based on a desired type of speech to be synthesized. Moreover, Marcu also fails to teach or suggest determining a theory of discourse analysis based on user's selection. As the Examiner concedes, Marcu only discloses one such theory – RTS. On the other hand, there

is no teaching or suggestion in Marcu that the user selects the theory of discourse analysis for speech synthesis from plurality of theories.

While Marcu deals with text summarization, the present invention is directed towards synthesizing speech using discourse analysis. In order to achieve that goal, a suitable theory of discourse analysis must be chosen to properly synthesize speech correctly. Thus, as described in Figure 2 and paragraph [0021] of the specification, the theory of discourse analysis may be determined based on the type of speech to be synthesized or by user selection. If a particular type of speech is desired, then a theory of discourse analysis is chosen to achieve that goal. Marcu does not teach anywhere a theory of discourse analysis being chosen in the claimed manner.

The remaining reference, Lee, teaches synchronizing speech to a facial image, and is cited for the alleged teachings of other limitations. Therefore, Lee will not overcome the deficiency created by Shriberg and Marcu.

If the Examiner continues to maintain that Marcu teaches or suggests “determining a theory of discourse analysis ... based on a desired type of speech to be synthesized.” Applicants respectfully request the Examiner to specifically point out where the alleged teaching appears in Marcu. When the PTO asserts that there is an explicit or implicit teaching or suggestion in the prior art, it must indicate where such teaching or suggestion appears in the reference. See *In re Rijckaert*, 28 U.S.P.Q.2d 1955,7 (Fed. Cir. 1993).

Therefore, without admitting that the cited references teach or suggest any of the other limitations of the pending claims, Applicants respectfully submit that none of the Shriberg, Marcu and Lee, taken alone or in combination, teach or suggest the limitation of “wherein the determining a theory of discourse analysis is based on either a desired type of speech to be

synthesized, or by user selection" as recited in independent claim 1 and as generally recited in independent claims 15 and 30. For this reason, the cited prior art fails to teach or suggest all of the limitations of the claims, and claims 1, 15 and 30 are therefore not rendered unpatentable over Shribberg, Marcu and Lee.

With respect to the rejection of the remaining dependent claims, while continuing to traverse the Examiner's characterization of the teachings of the references used by the Examiner in rejecting those claims, Applicants respectfully submit that these claims are patentable by definition by virtue of their dependence upon their respective patentable independent claims 1 and 15.

CONCLUSION

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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